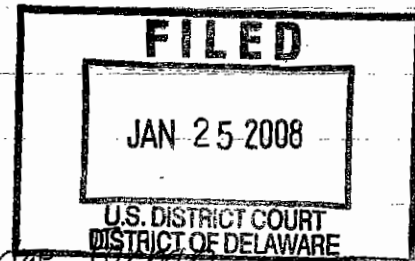


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

January 17, 2008

The Honorable Gregory Sleet
Chief Judge - U.S. District Court
844 North King Street, Lockbox 18
Wilmington, DE 19801



RE: Recusal and Removal of Judge Farnan
C.A. No. 04-201 JJF, C.A. No. 03-301 JJF 180 scanned

Dear Judge Sleet:

It is with regret that I write this letter asking you to remove Judge Joseph Farnan from this case due to personal racial bias and law enforcement bias. Although this may sound skeptical and raise judicial "antenna", I believe that if you look at the argument objectively, then you will agree that there is bias involved.

The main cause of enclosed Motion For Recusal is Judge Farnan's rejection of Motion for Return and Replacement of Legal Books, Documents, and Material and Request for Contempt Order, Temporary Restraining Order and Injunction. The pending case is 04-201 JJF. The proceedings are available in the docket and I have detailed several rulings and abuses of discretion by Judge Farnan that were out of character. Therefore, I will let the motion speak for itself.

Quite simply, prison guards and officials destroyed all of my legal property and books that I have accumulated for the past six years by pouring urine and feces on them. This was done after I was assaulted by prison staffmember and I was forced to defend myself. The State provided a report of 11/25/07

(2)

2007, incident report that falsely accused me of throwing urine and feces at officers, which inadvertently damaged legal property. I vehemently deny that I threw any urine or feces at guards during July 25, 2007, incident.

Instead of adhering to judicial principle that "all evidence and resolution of facts are weighed in the light most favorable to Plaintiff," Judge Farnan concluded that "any harm suffered by Plaintiff was likely caused by his own deviant behavior." In this ruling, Judge Farnan essentially allowed State Defendants to sabotage pending case with no repercussions. It is obvious that I suffered irreparable harm as I cannot afford or duplicate the thousands of pages of transcripts, court briefs, not to mention several volumes of case law precedent with notes. The ludicrous argument that "the adverse actions occurred in the past and are not alleged to be on-going," belittles one's intelligence. That is the equivalent of telling a person that was raped or a child who was molested that because it happened only once and probably will not happen again - a far stretch - then there does not to be a restraining order or injunction against the assailant.

Even if one resolves the evidence and the facts "in the light most favorable" to State Defendants, as Judge Farnan has unlawfully done in this case, a careful review of the property sheet would raise credibility issues. If I had thrown urine and feces at prison guards, then the assumption would be that urine and feces would have splattered randomly in the room. Furthermore, there was no mention of urine and feces on any officer or ~~myself~~ ^{me}. It is quite difficult to splatter urine and feces in a small 8'x10' cell with five or six men over 200 lbs. and not have anyone soiled with urine and feces.

(3)

Also, a review of the property sheet that the State Defendants provided should raise questions. The only property that seemed to be destroyed and soiled with urine and feces were personal clothes and legal property. This would suggest that these items were targeted by prison guard and officials. It was well known in the prison community by all personnel that I had filed lawsuit against record number of State Defendants. Therefore, the action can only be construed as retaliation against filing the lawsuit because of the items destroyed.

Another disturbing thing about Judge Farnan's ruling is that he fails to mention any constitutional improprieties or violations with regard to 24hr. belt restraints where one is cuffed and shackled with no hand or foot movement for 24 hours without allowing him to eat or use the bathroom - even defecating - without cuffs on. Essentially, it is the same "hitch-post" procedure that the U.S. Supreme Court outlawed decades before. This suggests that Judge Farnan sanctions and endorses torture as punishment against prisoners accused of assaulting guards, as the policy is currently implemented. As I suggested in my motion for recusal, "waterboarding" and "human naked pyramids" may shortly be on the horizon.

Even more disturbing is the illicit relationship that Judge Farnan had with former New Castle County Police Chief Sherry Freeberry. As stated in the motion, his actions with respect to Freeberry (loan/gift/bribe?) were at least unethical. At most, they were criminal and conspiratory. In short, it compromised faith in the judicial system, because Judge Farnan's actions

(4)

I realize that this letter to you will probably result in judicial retaliation as all of my complaints and motions will most likely be dismissed or denied. But it is impossible to sit idle while an experienced jurist refuses to follow applicable case precedent in his rulings and standard law with respect to burden of proof. Especially when I am in imminent danger as several guards have made it clear to me that "they would put me out of my misery" if they are ever given the opportunity. Shortly after July 25, 2007, incident which destroyed my legal property, officers used K-9 German Shepherd to subdue me while handcuffed, so I realize that the threats are serious and I do not take them lightly.

Because of the grave nature of these threats and non-chalant and complicit attitude of Judge Farnan, I have taken proactive action and mailed copies of this letter to U.S. Attorney Colm Connolly, Senate Judiciary Chairman Joseph Biden and News Journal Investigative Officers. This issue is too important to be thrown in a judicial heap in case of tragic events.

Sincerely,

Kevin L. Dickens

Kevin L. Dickens, Pro Se

DCC-SHU 19D H/C

Smyrna, DE 19977

CC: U.S. Attorney Colm Connolly
Senator Joseph Biden
News Journal